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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,612	07/19/2006	Bernd Bruchmann	292805US0PCT	5781
22850	7590	06/25/2009		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
SERGENT, RADON A				
ART UNIT		PAPER NUMBER		
1796				
NOTIFICATION DATE		DELIVERY MODE		
06/25/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/586,612

**Applicant(s)**

BRUCHMANN ET AL.

**Examiner**

Rabon Sergeant

**Art Unit**

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-6 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF 298)  
Paper No(s)/Mail Date \_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

***Election/Restrictions***

1. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

Active ingredient groups selected from sterically hindered amines, benzotriazoles, benzophenones, aromatic amines, or phosphites, wherein the sterically hindered amines are defined by variables  $X^1$ ,  $X^2$ ,  $X^3$ ,  $Y^1$ ,  $Y^2$ ,  $R^1$ , C,  $C^1$ , and A; the benzotriazoles are defined by variables X,  $R^1$ , C,  $C^1$ , and A; the benzophenones are defined by variables  $Z_1$ ,  $Z_2$ , C, X, and A; the aromatic amines are defined by variables  $X^1$ ,  $X^2$ ,  $X^3$ ,  $X^4$ ,  $X^5$ ,  $X^6$ ,  $R^1$ , C,  $C^1$ , and A; and the phosphites are defined by variables  $W^1$ ,  $W^2$ ,  $W^3$ ,  $R^1$ , C,  $C^1$ , and A.

Applicant is required, in reply to this action, to elect a single species of active ingredient group set forth above and a single species for each variable set forth above with respect to the elected active ingredient group to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

2. The claims are deemed to correspond to the species listed above in the following manner:

Claim 1 corresponds to active ingredient groups selected from sterically hindered amines, benzotriazoles, benzophenones, aromatic amines, or phosphites.

Claim 2 corresponds to phosphites defined by variables  $W^1$ ,  $W^2$ ,  $W^3$ ,  $R^1$ ,  $C$ ,  $C^1$ , and  $A$ .

Claim 3 corresponds to benzotriazoles defined by variables  $X$ ,  $R^1$ ,  $C$ ,  $C^1$ , and  $A$ .

Claim 4 corresponds to benzophenones defined by variables  $Z_1$ ,  $Z_2$ ,  $C$ ,  $X$ , and  $A$ .

Claim 5 corresponds to sterically hindered amines defined by variables  $X^1$ ,  $X^2$ ,  $X^3$ ,  $Y^1$ ,  $Y^2$ ,  $R^1$ ,  $C$ ,  $C^1$ , and  $A$ .

Claim 6 corresponds to aromatic amines defined by variables  $X^1$ ,  $X^2$ ,  $X^3$ ,  $X^4$ ,  $X^5$ ,  $X^6$ ,  $R^1$ ,  $C$ ,  $C^1$ , and  $A$ .

The following claim(s) are generic: none.

3. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: Firstly, there is lacking a reasonable expectation that the species have a common property or activity, and it is not considered that all species belong to a recognized class of chemical compounds in the art to which the invention pertains. Secondly, in view of the documents, such as EP 839844 A1, cited within the International Search Report, it is considered that at least one of the active ingredient group species lacks an inventive step; therefore, there is lacking the same special technical feature for the species.

4. Due to the number of active ingredient group species, the number of variables associated with each active ingredient group species, the number of species associated with each variable, and the complexity of the species, a telephone election was not attempted.

5. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rabon Sergeant whose telephone number is (571) 272-1079. The examiner can normally be reached on Monday-Friday, 9:30 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rabon Sergeant/  
Primary Examiner, Art Unit 1796